

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IRA HOLTZMAN, Individually and as the)	
representative of a class of similarly-)	
situated persons)	
)	
Plaintiff,)	No. 07 C 7279
)	
v.)	Judge Manning
)	Magistrate Judge Cole
MICHAEL P. CAPLICE, d/b/a M. P.)	
CAPLICE & ASSOCIATES)	
)	
Defendant.)	

UNITED STATES' MOTION TO INTERVENE

The United States of America, through undersigned counsel, hereby moves to intervene in this action on behalf of itself and the Federal Communications Commission (FCC), pursuant to 28 U.S.C. § 2303(a), 28 U.S.C. §§ 517 and 518(b), and Fed. R. Civ. P. 24(a)(1) to defend the constitutionality and application of the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 (the "TCPA"), which has been challenged by Defendant's motion to dismiss. Points and authority in support of the United States' motion are attached.

Dated: February 28, 2008

Respectfully submitted,

JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General

PATRICK J. FITZGERALD
United States Attorney

THEODORE C. HIRT
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s/ Stephen J. Buckingham
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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

THE UNITED STATES' MOTION TO INTERVENE AND MEMORANDUM IN
SUPPORT THEREOF

was served on this 28th day of February, 2008, in accordance with FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Stephen J. Buckingham
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